

October 28, 1939

Mr. A.A. Tribolet, Secretary  
Live Stock Sanitary Board,  
Capitol Annex,  
Phoenix, Arizona.

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**ARIZONA ATTORNEY GENERAL**

Dear Sir:

We have your letter dated October 28th requesting an opinion as to whether you should comply with the request made in a letter to Mr. Cicero Martin, State Cattle Inspector at Sonoita, Arizona, regarding the shipment of mortgaged cattle. The letter which you have submitted and received by Mr. Martin is in effect as follows:

" This is to notify you that all cattle belonging to Larimore Livestock Co., together with the increase thereof branded or unbranded, are mortgaged to our client, Mr. Jameson Larimore, of Larimore, North Dakota, by mortgage duly recorded, and are not to be shipped or disposed of without the written consent of Mr. Jameson Larimore.

Yours very truly,

CONNER & JONES  
By Archie R. Conner"

We do not construe the wording of said letter to be a request to your Department or to the inspector in charge at Sonoita, but it is simply a notification that there is a mortgage outstanding against said cattle, and that they are not " to be shipped or disposed of" without the written consent of Mr. Jameson Larimore.

We are unable to find any provision in the Live Stock Sanitary Code whereby it is necessary that said Board be notified of a mortgage upon cattle, and if your inspectors are asked to inspect said cattle for shipment upon tender of inspection fee, it is mandatory that said inspection be made regardless of the fact that there may be a mortgage upon said cattle.

We are therefore of the opinion that if the letter from Messrs. Connor & Jones is a request for you to withhold inspection, that said request cannot be complied with.

Very truly yours,

JOE CONWAY  
Attorney General

ALBERT M. GARCIA  
Assistant Attorney General

EARL ANDERSON  
Special Assistant  
Attorney General